

# *East Longmeadow Planning Board*

*60 Center Square*

*East Longmeadow, Massachusetts 01028*

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*since 1894*

*Michael Carabetta, chair*

*Alessandro Meccia, vice-chair*

*Tyde Richards, clerk*

*George Kingston*

*Ralph Page*

*robyn d. macdonald, director*

*rmacdonald@eastlongmeadowma.gov*

## Minutes of August 26, 2014

Present were: Chair, Michael Carabetta; Vice Chair, Alessandro Meccia, Clerk; Tyde Richards, George Kingston and Ralph Page.

Chair, Michael Carabetta opened the meeting and said that it was being taped by ELCAT as well as the Board. He asked if anyone else was taping it. Chris Goudrea of the Reminder was also taping it.

### Request for Signage – St. Paul Lutheran Church, 181 Elm Street

Clerk, Tyde Richards read a Request for Signage from St. Paul Lutheran Church, 181 Elm Street

After review of the proposed signage and upon motion duly made by George Kingston and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to approve the signage as presented for St. Paul Lutheran Church measuring 80" x 89" for a total of 41square feet to be placed approximately 30' 6" from the property line and conditioned upon the applicant obtaining a sign permit from the Building Inspector.

### Richard Turnberg to discuss possible Zoning By-law change

Mr. Turnberg thanked the Board for meeting with him and said that he would like to get the required 100 signatures from the town residents in order to get an article on the town warrant. He wanted to know if the Board would support a By-law change for 3.093 which states that a minimum lot size shall be 10,000 sq. ft. per horse. Mr. Carabetta said that it would certainly take some discussion, public hearings and some procedures that need to be followed. Mr. Turnberg explained that he has a situation next door to himself and he has been to the Selectmen and the Board of Health to see what his rights were as far as the smell and the bugs caused by his neighbors horses. He said that they went to the site and his neighbor got all upset and called him every name in the book. Mr. Carabetta asked Mr. Turnberg what the other Boards told him. Mr.

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Turnberg said that they look at it from a health point of view as far as bugs and things like that horses attract. Mr. Turnberg said that his neighbors have now put their house up for sale and their selling point is that it is an already built mini farm suitable for three horses. He said that he would like to change the last line in the by-law to read "A minimum area of lot shall be 10,000 square feet of open space per horse". Mr. Turnberg said that 10,000 square feet includes everything on the property and his neighbor has got less than  $\frac{3}{4}$  of acre. He said that they started off with one horse, went to two horses and now three horses and he thinks the combined area that the horses have to roam in is probably less than 10,000 square feet. Mr. Turnberg said according to the Assessors record they have a total of 31, 967 square feet and they have got barely enough for three horses and Mr. Gorman ordered them to pick up the horse feces everyday, put lime over it daily, put a trap over it and remove it every 3 months.

Mr. Carabetta asked Mr. Turnberg if they have agreed to it. Mr. Turnberg said yes they have agreed to it and said that they are doing everything right. He said that when they got their second horse they built a second corral which is 40 feet from his bedroom window and what he would like from the Board is to prepare an article for the town warrant and present it at the special town meeting on October 27<sup>th</sup>. Mr. Carabetta explained to Mr. Turnberg as a Board they are going to look at things that will benefit the whole community and said that is not to say it won't. He said that he thinks it is the first time that the Planning Board is hearing it about it. Mr. Carabetta said that he has been to the Selectmen and the Board of Health and they are trying to correct the issue and he feels a little apprehensive in jumping in after the fact after they have already stepped in and he will certainly ask the rest of the Board for their opinions. Mr. Turnberg said what he is asking from the Board is to read what he has prepared and tell him if he is missing something and see if they can put on the town warrant.

Mr. Carabetta addressed the Board for any comments or questions.

Mr. Richards said that the by-law says for stabling one horse a lot must have a minimum lot size of 10,000 square feet of additional area for each additional horse. He asked what is meant by additional area and does that mean that it is already supposed to be that but it is not described very well. The Board reviewed the table and determined that it was a typo.

Mr. Kingston said that his concern with the change is that there are a lot of people in town that have horses and it will impact everyone of them to a greater or lesser extent. Ms. Macdonald said it would be grandfathered. Mr. Kingston said that the grandfathering would go with the property and that goes away when the use changes. Mr. Carabetta added if the use is discontinued for 2 years then it goes away. Mr. Kingston said secondly he is having trouble with trying to correct a single health issue with a change in the zoning by-law. He said that he sympathizes with Mr. Turnberg but feels it is a health issue.

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After further discussion the Board agreed that they were not interested in sponsoring the By-law but encouraged Mr. Turnberg to go ahead.

ANR 167 Canterbury Circle and 244 Chestnut Street

Mr. Carabetta said that a foundation was put in with no permit and it didn't meet the pre-requisite for the rear setback. He said that the applicant since has traded some land to meet the required setback and would bring the house into conformity. Mr. Carabetta addressed the Board for any questions or comments.

Mr. Kingston said that he is glad they took that route because it now gives them the setback that they need and as presented it meets the requirements for an ANR.

Upon motion duly made by George Kingston and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to approve the ANR for Canterbury Circle and Chestnut Street owned by Sivad Nominee Trust and George R. Rooke for the creation of two new parcels, Parcel A containing 346 square feet and Parcel B containing 901 square feet. The new parcels are to be added to existing lots that have the required frontage on Canterbury Circle and Chestnut Street.

Miscellaneous

Mr. Carabetta asked the members if they had a chance to look at the e-mail that was sent to them regarding the Munis System. He said that he spoke to Angela Thorpe and she said that she will put a hold on it until they get a chance to talk through it amongst the different Boards and/or Department Heads. Mr. Carabetta said from what he has been told is that it is not going to be implemented until the powers that be discuss it further. He said that he will follow up with Ms. Thorpe and would like to see an e-mail go out saying that IT has been contacted to all the Department Heads. Mr. Carabetta said that Ms. Thorpe would like a letter from the Board describing why it is not a good idea. He said that he asked Ms. Macdonald to prepare a letter so that the Board can review it and if everyone is in agreement then they will send it to Ms. Thorpe. Mr. Carabetta said that all of the other departments affected by it will be doing the same thing and he believes it will be on their next agenda and she was supposed to affirm that with him at a later date. He said what worries him is that there would be more situations such as the ANR they addressed that same evening.

Mr. Richards asked what is the purpose of implementing it is or the logical reasoning for it. Mr. Carabetta said that there isn't any. Mr. Meccia said that the town spent the money, the time and it has been in place for so many years and they just want to get rid of it because of one incident. Mr. Carabetta said that it is not one instance it is one person. Mr. Richards said that it's all checks and balances and now they are eliminating that. Mr. Kingston said that is a good point for Ms. Macdonald to mention in the letter. Mr. Page stated if it is implemented the Planning Board would not be able to put Special Permits into the Munis system. Ms. Macdonald said that nothing would be

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put into Munis. Mr. Page said then they would need to contact the IT Department to put in the application which makes more work for them. Ms. Macdonald said that they don't have the expertise on how to do that, not anything against them but it is something that the towns people went through a year & half of implementing it with all of the departments. She said that there were months and months of training and it is checks and balances.

Mr. Kingston said that he feels the major impact would not be on the government per say as it will be on the applicants. He said if someone is issued a permit that should have not been issued, first of all the town is going to look stupid and second of all that applicant is at risk because they will be in violation of the law and not know it. Mr. Kingston said that could be prevented if it was reviewed. Ms. Macdonald said another reason financially for the town is that the Assessors Office uses the notification system to keep track of the permits that were granted in order to collect supplemental taxes. She said that it has an effect on the revenue of the town and without notification the Assessor's Office has no knowledge. Ms. Macdonald said that Mr. Carabetta has asked her to notify the other departments and that she will prepare a letter and the Board can review and move forward.

#### Release of Covenant – Pondview Drive subdivision

Ms. Macdonald said the Board had approved the release for covenant bond for Pondview 2 weeks ago for \$292,000.10 She said that Mr. Chapdelaine has done more work because that was pretty high for him so she has prepared a new release for \$224,000.00 and DPW has approved it.

Upon motion duly made by George Kingston and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to release the subdivision covenant for Pondview Drive in lieu of the aforementioned cash bond.

#### Miscellaneous

Ms. Macdonald reminded the Board of the Board of the Appeal hearing for 167 Canterbury Circle on September 8<sup>th</sup>. Mr. Page said now that the applicant came before the Board and they have changed their plan he thinks that it is still important to have the ZBA confirm what their opinion of a rear lot line is and he highly recommends they still go forward. Mr. Carabetta said absolutely and said that it is not in a punitive direction but more for clarification and it will not effect the builder or developer in any way.

#### Minutes

The Board reviewed the minutes of July 1, 2014 and upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted (4-0).

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The Board reviewed the minutes of July 15, 2014 and upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted (4-0) to approve with edits.

The Board reviewed the minutes of July 29, 2014 and upon motion duly made by Ralph Page and seconded by Alessandro Meccia, the Board voted (4-0) to approve.

The Board reviewed the minutes of August 12, 2014 and upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted (4-0) to approve.

With no further business and upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted 5-0 to adjourn at 7:30 p.m.

For the Board

Tyde Richards, Clerk